

### **REMARKS**

Applicant sincerely appreciates the thorough examination of the present application, as evidenced by the non-final Office Action of April 13, 2010 (hereinafter, the "Office Action"). Applicant particularly appreciates the Office Action's indication that Claims 19-30, 41-48, and 53-59 are allowed, and further that Claims 4, 14, 32-34, and 65 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Office Action, page 9.)

In an effort to advance allowance of the present application, Applicant has amended independent Claims 1, 11, 31, and 60 in a manner consistent with the Office Action's suggestions. Specifically, Applicant has canceled dependent Claim 4 and incorporated its recitations into independent Claim 1; canceled dependent Claims 12 and 14 and incorporated their recitations into independent Claim 11; canceled dependent Claims 32 and 37 and incorporated their recitations into independent Claim 31; and canceled dependent Claims 61 and 65 and incorporated their recitations into independent Claim 60. Applicant has also amended Claims 33 and 62 to correct the dependencies thereof. Finally, Applicant has canceled dependent Claim 50, and amended independent system Claim 49 to include recitations similar to those of corresponding independent method Claim 11.

Accordingly, Applicant respectfully submits that the issues presented in the Office Action have been addressed or overcome. Applicant respectfully submits that the present claims are now in condition for allowance for at least the reasons discussed below.

#### **Status of the Claims**

At the time the Final Office Action was issued, Claims 1-7, 9-46, and 48-67 were pending. Claims 8 and 47 were canceled.

Claims 1-3, 5-13, 15-18, 31, 35-40, 49-52, 60, and 64-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,637,031 to Chou ("Chou") in view of U.S. Patent Application Publication No. 2004/0081198 to Gardner et al. ("Gardner"). (Office Action, page 3.)

Claims 6, 7, 13, 15, 35-36, 38, 39, 51, 52, 64, 66, and 67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of Gardner and further in view of U.S. Patent No. 6,266, 817 to Chaddha ("Chaddha"). (Office Action, page 7.)

The Office Action objects to Claims 4, 14, 32-34, and 65 as being dependent upon a rejected base claim, but indicates that the above-noted claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Office Action, page 9.) Applicant notes that the list of claims denoted on page 9 of the Office Action differs from that on the Office Action Summary, in that the Office Action Summary also includes Claims 37 and 61-63 as claims objected to. Applicant further notes that the Office Action appears to offer no specific grounds for rejection for Claims 37 and 61-63.

Claims 19-30, 41-48, and 53-59 are allowed. (Office Action, page 9.)

**Independent Claims 1, 11, 31, and 60, As Amended, are Patentable**

Claims 1, 11, 31, and 60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of Gardner. (Office Action, page 3.) As noted above, Applicant has amended Claims 1, 11, 31, and 60 to incorporate the recitations of dependent claims indicated as being allowable if rewritten, as suggested by the Office Action on page 9. Accordingly, Applicant respectfully submits that Claims 1, 11, 31, and 60, and the dependent claims thereof, are now in condition for allowance, which is respectfully requested.

**Independent Claim 49, As Amended, is Patentable**

Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of Gardner. (Office Action, page 3.) In rejecting Claim 49, the Office Action relies on the same grounds relied upon in rejecting Claims 1 and 11. (Office Action, page 3.)

In response, Applicant has amended Claim 49 to include recitations similar to those of amended Claim 11, the method claim corresponding to Claim 49. Specifically, Claim 49 has been amended to recite as follows:

A system for transmitting a multimedia work comprising:

a streaming server that is configured to transmit a first portion of the multimedia work; and

a downloading server that is configured to transmit a second portion of the multimedia work, wherein the first and second portions together comprise the multimedia work;

wherein the streaming server is configured to stream multimedia data at a first resolution;

wherein the downloading server is configured to download supplemental data, which, when combined with the multimedia data at a first resolution, provides the multimedia work at a second resolution that is higher than the first resolution;

wherein the first resolution comprises a first sampling frequency, a first compression ratio, a first frequency range, a first number of bits of resolution, a first distortion level, a first number of pixels, a first frame rate, a first number of colors, a first number of channels colors and/or a first coding rate; and

wherein the second resolution comprises, respectively, a second sampling frequency that is higher than the first sampling frequency, a second compression ratio that is lower than the first compression ratio, a second frequency range that is wider than the first frequency range, a second number of bits of resolution that is greater than the first number of bits of resolution, a second distortion level that is lower than the first distortion level, a second number of pixels that is greater than the first number of pixels, a second frame rate that is greater than the first frame rate, a second number of colors that is greater than the first number of colors, a second number of channels that is greater than the first number of channels and/or a second coding rate that is higher than the first coding rate (emphasis added).

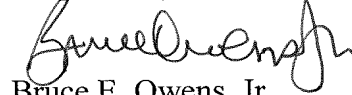
Applicant respectfully submits that the above-emphasized recitations of amended Claim 49 are not disclosed or suggested by Chou or Gardner, considered either separately or in combination. Accordingly, for at least these foregoing reasons, Claim 49 and the dependent claims thereof are patentable.

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**Conclusion**

In light of the above remarks, Applicant respectfully submits that the present application is now in condition for allowance, and favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



Bruce E. Owens, Jr.  
Registration No. 58,685  
Attorney for Appellant

**Customer Number 54414**

Myers Bigel Sibley & Sajovec, P.A.  
P.O. Box 37428  
Raleigh, NC 27627  
919-854-1400  
919-854-1401 (Fax)